

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS**

In re FRANK A. SKARLY et al.

Application No. 09/909,574

Filed: July 20, 2001

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Appeal No. 2008-4223

ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for November 5, 2008. The notice setting the hearing was mailed to Applicant on September 30, 2008. The date Applicant received the notice is not apparent from the record. On October 15, 2008, a facsimile letter styled "Request to Reschedule Oral Hearing" was filed. Applicant requested that the oral hearing be rescheduled. The request has been granted.

According to counsel:

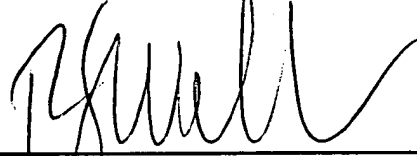
Dr. Oliver Peoples, the attendee on behalf of Metabolix, Inc., the Real Party in Interest, has an outpatient procedure scheduled and is unable to attend.

For the reasons given above, it is:

Ordered that the request to reschedule the oral hearing to a date after November 5, 2008 is granted.

No further request for postponement will be permitted. Any further request for postponement will be treated as a waiver of the Request for Oral Hearing.

**BOARD OF PATENT APPEALS
AND INTERFERENCES**



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FAX DATE : October 20, 2008
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